



RUTHERFORD & CHRISTIE LLP
NEW YORK ATLANTA

June 27, 2025

VIA ECF

Hon. Philip M. Halpern, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Fryer v. Bard College, et al.*
Docket No. : 7:25-cv-02383 (PMH)

Dear Judge Halpern:

Our firm represents the Defendants in the above-captioned matter. In response to your Order of earlier today, enclosed please find a Stipulation withdrawing the Eleventh Affirmative Defense in our Answer to be So Ordered by Your Honor. With respect to the Twentieth Affirmative Defense, the plaintiff's Second Cause of Action asserts intentional acts, which would be subject to a one-year statute of limitations in New York. The operative acts took place in 2020. Therefore, we believe we have a good faith basis to assert an affirmative defense based upon the statute of limitations and will not be withdrawing this defense.

We appreciate Your Honor's consideration of our position as set forth above.

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP



David S. Rutherford

cc: All Parties via e-mail and ECF

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KIRSTY FRYER,

Docket No.: 25-CV-2383 (PMH)

Plaintiff,

STIPULATION

-against-

BARD COLLEGE et al.,

Defendant.

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It is hereby stipulated by and between the parties that the Eleventh Affirmative Defense asserted in the Answer of Defendants BARD COLLEGE and BARD COLLEGE AT SIMON'S ROCK that the court has not acquired in personam jurisdiction over the answering defendants based upon improper service of process is hereby withdrawn with prejudice.

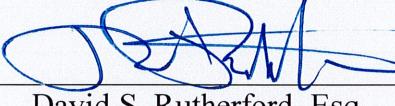
Dated: New York, New York

June 27, 2025

LAW OFFICES OF GEOFFREY MUELLER

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SO ORDERED:

Philip M. Halpern, U.S.D.J.